

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANN M. RUPP,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

CASE NO. 13-cv-05975 RJB

REPORT AND RECOMMENDATION  
ON MOTION TO WITHDRAW  
COMPLAINT

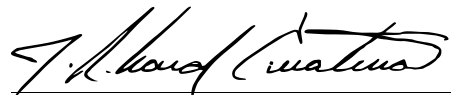
This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on plaintiff's Motion to Withdraw Complaint. (ECF No. 19). Defendant has filed no objections.

After reviewing plaintiff's Motion (*id.*), the Declaration of Lindsey Craven (ECF No. 20) and the relevant record, the undersigned recommends that the Court grant plaintiff's motion, and dismiss this case with prejudice.

1 According to her motion, “the record as it exists, supports the ALJ’s decision and no  
2 viable arguments could be made” (*see id.*, p. 1). Because plaintiff is unwilling to place an  
3 unnecessary burden on opposing counsel and the Court, she has moved to withdraw her  
4 Complaint (*see id.*; *see also* ECF Nos. 1, 3). According to the attorney declaration, plaintiff has  
5 had explained to her the “consequences of voluntarily dismissing this appeal [and] understands  
6 that the ALJ decision dated July 20, 2012 will become the final decision of the [Acting]  
7 Commissioner and will be subject to no further appeals” (*see* ECF No. 20, p. 1). As plaintiff has  
8 “affirmed that dismissal of this claim is the course of action she wishes to pursue” (*id.*) and  
9 because “[except] as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff’s  
10 request only by court order, on terms that the court considers proper,” the undersigned  
11 recommends that the Court grant plaintiff’s motion, and Order that this case be dismissed with  
12 prejudice. Fed. R. Civ. P. 41(a)(2).

13 Given the facts, plaintiff’s Motion (ECF No. 19) and the attorney declaration (ECF No.  
14 20), the Court recommends that the District Judge immediately approve this Report and  
15 Recommendation and order that the case be **DISMISSED** with prejudice.

16 Dated this 24th day of April, 2014.

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18 J. Richard Creatura  
19 United States Magistrate Judge  
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